

Planning & Zoning Commission Mid-Month Meeting
Minutes of July 19, 2012
1st Floor North Conference Room - City Hall

Present: Chairman Mark C. Brooks, Vice-Chairman Nathaniel Cannady, Kristy Carter, Holly P. Shriner

Absent: Jeremy Goldstein, Jane Gianvito Mathews and Paul Smith

Pre-Meeting - 3:30 p.m.

The Commission was informed about the new information received on the Plasticard site plan review that affected its application; and they were visited by Hillary Cole, Chair of the Historic Resources Commission who discussed the work of that group and answered questions.

Regular Meeting - 4:00 p.m.

Chairman Brooks called the meeting to order at 4:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Ms. Shriner moved to approve the minutes of the June 6, 2012, meeting. This motion was seconded by Ms. Carter and carried unanimously by a 4-0 vote.
- ? Chairman Brooks said that the applicant has withdrawn the application for a downtown project variance for 91 Biltmore Avenue, for the project identified as Wicked Weed Brewery.

Agenda Items

- (1) **Review of Level II site plan for the project identified as Hilltop Mobile Home Park Expansion located at 10 Hilltop Drive. The project proposes to expand the existing mobile home park by an additional 29 mobile home spaces. The property owner is One Hilltop, LLC and the contact is Hudson Owen. The property is identified in the Buncombe County Tax records as PIN 9607-73-6080.**

Interim Technical Review Manager Nate Pennington oriented the Commission to the site location and said that the applicant, Hudson Owen, is requesting review of site plans to expand an existing mobile home park. The project is considered as a Level II review pursuant to Section 7-5-9(b) of the UDO which designates the process for residential projects with between 20 and 50 units.

This project is considered a Level II review and according to Section 7-5-9(b) of the UDO, the Planning & Zoning Commission shall review Level II projects-conceptual site plans for compliance with applicable standards and regulations.

The project site consists of a 4.7 acre portion of a 36-acre parcel located at 10 Hilltop Drive off of Smokey Park Highway in Candler just outside of the City limits (ETJ). The site is zoned RM-16 and falls within the Manufactured Housing and Community overlays. Surrounding properties are zoned RM-16 as well as Industrial and Community Business I. The site is partially developed with an existing manufactured home park and the project area is along the northern end of the parcel which borders the rail line near Smokey Park Highway.

Proposal: The applicant is proposing a 29-unit expansion to an existing mobile home park with 122 residences for a total of 151 residential units. Each mobile home sits on its own lot, pursuant to the standards found in Section 7-5-9 of the UDO.

Access, Sidewalks, Parking: A new private loop road (Hilltop Loop) is proposed to provide access to the new lots and shows a width of 20 feet of pavement with a 30 foot right-of-way. Two parking spaces are provided at the driveway for each unit and seven visitor spaces are shown in two locations for a total of 65 parking spaces. There is a four foot wide walkway around the development.

Landscaping, Open Space: Street trees are required for this expansion and are shown on the plans. Ten percent of the project area is required to be set aside for open space (0.47 acres) and plans indicate that 0.50 acres will be provided.

Mobile Home standards: Section 7-5-9 of the UDO governs standards for manufactured home community development and these standards will be met. Density does not correspond with underlying zoning but rather 7 units per acre is the maximum permitted in the overlay (32 would be permitted – 29 are proposed).

The project was reviewed by the Technical Review Committee on June 4, 2012, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications, with variances and modifications receiving review by the appropriate boards and commissions.

Based on this, staff recommends approval of the site plan and proposed development subject to the conditions outlined by the Technical Review Committee.

In response to Ms. Carter, Mr. Pennington explained that this project is treated as a single-family type of development and handicapped parking and bicycle parking is not applicable.

Chairman Brooks opened the public hearing at 4:09 p.m. and when no one spoke, he closed the public hearing at 4:10 p.m.

Based on the above findings and the analysis provided in the report, Vice-Chairman Cannady moved to recommend approval of the Level II site plan for the project identified as Hilltop Mobile Home Park Expansion located at 10 Hilltop Drive to expand the existing mobile home park by an additional 29 mobile home spaces, subject to the following conditions (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures or full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (5) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Ms. Shriner and carried unanimously by a 4-0 vote.

(2) Review of Level II site plan for the project identified as Plasticard-Locktech International-Expansion located at 605 Sweeten Creek Industrial Park. The project proposes to expand the existing 63,652 sq foot facility by an additional 37,325 sq feet. The property owner is Plasticard-Locktech International/Mark Goldberg and the contact is Todd Miller. The property is identified in the Buncombe County Tax records as PIN 9657-41-1845.

In order to clear up some square footage discrepancies, and at the request of Mr. Robert Grasso, applicant, Ms. Shriner moved to continue this public hearing until August 1, 2012. This motion was seconded by Ms. Carter and carried unanimously on a 4-0 vote.

- (3) **A request for a Conditional Zoning from RS-2 to CZ-IND for a project identified as Danny's Dumpster Compost Facility located on a portion of 80 Hardesty Road. The rezoning will allow for the operation of a Type III compost facility utilizing three in vessel compost roll-offs. The property owner is the City of Asheville and the contact is Danny Keaton. A modification to property line buffer standards as required in Section 7-11-3(d)(1) of the UDO is being requested. The property is identified in the Buncombe County tax records as a portion of PIN 9668-31-9966.**

Urban Planner Julia Fields oriented the Commissioners to the site location and said the subject property is located off of Hardesty Lane in East Asheville. Hardesty Lane is a private drive into City-owned property located off of Azalea Road East. The site is currently addressed as 80 Hardesty Lane but will be assigned the address of 120 Hardesty should the conditional zoning be approved and the proposed facility established. The subject property is an approximately 4.4 acre portion of a 33.48 acre site owned by the City of Asheville. The larger City-owned property is currently used for gardening/farming and is the location of the City's beneficial fill site.

The applicant, Danny's Dumpster (Danny Keaton), is proposing to operate a compost facility on this property. It is proposed that the operations would include the hauling of compostable materials (not vegetable oil) to the facility and the collection of leaves and wood chips at the site. All materials will be mixed and processed into finished compost/quality topsoil as a by-product. The process will require an employee to be on site only four hours per day, five days per week. The site abuts a Norfolk Southern Railway line and a small portion is in a flood protected area. Three "in-vessel roll-off structures" will be located on the site. No potable water is available onsite. Fire suppression will be provided via a dry hydrant/existing retention pond on the larger parcel.

A modification is requested to waive the property line buffer standards as set forth in Section 7-11-3(d)(1) due to the nature of the location on the site and the nature of the operation and surrounding uses.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The project, if approved, must meet the technical standards set forth in the City's Unified Development Ordinance and Standards and Specifications Manual. The existing site plan shows compliance with most applicable development standards.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

The proposed use would be located in a low lying area between the Swannanoa River and the I-240 right-of-way and Norfolk Southern rail line. Topographically and due to significant vegetation the site is not visible from many surrounding areas.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The site is proposed to be located on a portion of a larger site that hosts a landfill for structural and debris fill and gardening and farming sites. The proposed operation will be compatible with these uses and is far removed from other land uses off of Azalea Road.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

No permanent, habitable structures will be placed on the site. Three in-vessel roll-off structures will be placed on the site to accommodate the composting operation. The operation will be in harmony with the abutting uses on the same large parcel.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The proposed use supports the comprehensive plan goal of diverting solid waste and organic materials from landfill disposal through creative/innovative measures. Additionally, it supports Council's strategic planning objective of implementing ways to reduce city-wide solid waste.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.** There is no potable water needed for this operation. Fire suppression will be handled via a dry hydrant/existing retention pond on the larger parcel. A portable toilet will be required on site. All other technical aspects of this project have or can be met by the applicant.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The use will be located on a drive that experiences little traffic. A proposed condition would require that traffic to the site be routed off of Azalea Road East via Tunnel Road and not through the recreation complex located on Azalea to the west. No new drive will be created for this use.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? The proposed use provides for a much needed facility in Asheville which will support City goals for diverting waste from landfill disposal.
- ? The proposed use is located on currently unused City property and is compatible with other uses on that property.

Con:

- ? None noted.

Staff recommends approval subject to the conditions placed on the development by the Technical Review Committee and the following standard conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; and (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards. Additionally, staff recommends that the requested modification to waive the buffer requirements be approved.

In response to Ms. Carter, Ms. Fields said that there is just a very small sliver of property in the floodplain and the in vessels roll-off structures will not be in that portion of property.

When Chairman Brooks asked about enforcement of the traffic route, Ms. Fields said that it would be complaint based, but felt sure they would not want to travel through the recreation complex.

Mr. Danny Keaton, applicant, provided the Commissioners with a general idea of the in vessel process, noting that they do not want to travel through the recreation complex. He said that they are in the process of getting a permit from the N.C. Dept. of Environment & Natural Resources.

In response to a concern by Chairman Brooks, City Attorney Oast said that the Commissioners can specify the type of process in a condition.

Chairman Brooks opened the public hearing at 4:26 p.m. and when no one spoke, he closed the public hearing at 4:27 p.m.

Based on the above findings and the analysis provided in the report, Ms. Shriner moved to recommend approval of the Conditional Zoning from RS-2 to CZ-IND for a project identified as Danny's Dumpster Compost Facility located on a portion of 80 Hardesty Road to allow for the operation of a Type III compost facility utilizing three in vessel compost roll-offs, and approval of the modification to property line buffer standards as required in Section 7-11-3(d)(1), subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; (6) traffic to the site be routed off of Azalea Road East via Tunnel Road and not through the recreation complex located on Azalea to the west; and (7) that the process be an in-vessel compost only. This motion was seconded by Ms. Carter and carried unanimously by a 4-0 vote.

(4) Report from Historic Resources staff regarding the proposed boundary expansion of the Montford Historic District. Staff Coordinating Review – Stacy Merten.

Executive Director of the Asheville-Buncombe Historic Resources Commission Stacy Merten reported on the proposed boundary expansion of the Montford Historic District. She said that in February, 2012, the Asheville Area Chamber of Commerce located at 36 Montford Ave. in the Montford Historic District requested a conditional rezoning of their property from Community Business I to Institutional, which would allow for a satellite graduate school campus. During the Conditional Zoning hearing, staff reported to the Planning and Zoning Commission that members of the Montford Neighborhood Association (MNA) had expressed preliminary interest in having the entire property included in the Montford Historic District boundary since the MNA was of the opinion that any future development on the site should be reviewed according to the design standards of the historic district. Planning staff was supportive of this review opportunity. The rezoning request was approved for the Asheville Chamber site and the Planning and Zoning Commission moved to request that the Historic Resources Commission study the overlay district and consider a map amendment.

HRC staff has consulted with the State Historic Preservation Office (SHPO) and has confirmed that when considering boundary changes to a historic district it is customary, except in the case of mapping errors, to look at the entire district vs. specific parcels.

The Montford Historic Overlay district has been in place since 1980 and generally corresponds to the National Historic District Boundary. The Asheville City Council amended the local district boundary in 2004, to correct an apparent mapping error, the result of which was the creation of four split zoned parcels following the subdivision of a single split zoned residential property. It should be noted that historic overlay districts in urban areas usually follow property boundaries.

The local preservation ordinance defines a historic district as “an area containing buildings, structures or places which have special character and ambiance based on: (1) Historical value; (2) notable architectural features representative of one or more periods or styles of architecture of an era or history; and (3) The cultural and aesthetic heritage of the community and which area constitutes a specific physical area of such significance to warrant its conservation, preservation and protection of adverse influences.”

It is staffs opinion that the current boundaries can be justified under this definition, but not the addition of a parking lot on the edge of the district. This is consistent with excluding vacant or non-contributing properties located on the edge of historic districts.

Additionally, staff has reviewed the entire boundary of the Montford Historic District and finds consistency in the manner that the boundaries were originally designated. As the designation was primarily residential, institutional uses with larger associated tracts located on the edges of the district, typically were included only where the property abutted the street, where the buildings were located, while the remainder of the tracts, were not included.

The staff opinion is that there is no justification to expand the historic district boundaries to include vacant areas of land for any of these parcels within the Montford historic overlay. At their meeting on May 9, 2012, the Historic Resources Commission voted to not recommend the expansion of the Montford Historic District boundaries.

Based on the analysis provided in the report, and the HRC’s recommendation, staff does not recommend in favor of pursuing a map amendment to expand the historic district.

Pro:

- ? Consistent with the local historic preservation ordinance and historic district overlay zoning statewide

Con:

- ? Future Development on the site would not be subject to historic overlay design review

In response to Ms. Shriner, Ms. Merten said that since this is considered to be something like a buffer zoning around a historic district and the SHPO has confirmed that it is not a common practice to change the boundaries to include that.

In response to Ms. Shriner, Planning & Development Director Judy Daniel said that any future development on the site would have to be reviewed by the Planning & Zoning Commission and City Council because it is under conditional zoning.

Ms. Ellen Nutter, representing the Montford Neighborhood Association, urged the Commission to expand the district to include the entire Chamber of Commerce property, including the parking lot so that any future development on the site would be reviewed according to the

design standards of the historic district. In addition, zoning for the whole property should be consistent.

In response to Ms. Shriner, Ms. Merten said that when the conditional zoning was put in place, the Head of Montford redevelopment area objectives were not viable anymore.

Mr. David Patterson, President of the Montford Neighborhood Association, showed a map used for the rezoning of the Chamber property and noted that if they add onto the Chamber building it will be straddle the Montford Historic District boundary. He urged the Commissioners to include the entire Chamber property in the District.

When Ms. Shriner asked what the next step would be, Ms. Daniel said that at this point it is only a staff study at the request by the Planning & Zoning Commission. The Commission could ask for a map amendment or just receive the report and do nothing at all. If the Commission would like to see the map amendment pursued, she suggested another meeting and inviting the Chamber of Commerce for their input.

When Ms. Carter asked if there were any other alternatives, Ms. Daniel said that any resident can file an application for a rezoning, pay a fee, and go through the process to expand the Montford Historic District.

At Ms. Carter's request, it was the consensus of the Commission to investigate any other options available for the neighborhood and add it on the next meeting agenda as an information item.

Other Business

Ms. Shriner asked that all staff reports include driving directions to the property.

Ms. Carter asked that maps in staff reports be legible.

Chairman Brooks announced the next meeting on August 1, 2012, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 4:52 p.m., Chairman Brooks adjourned the meeting.